

Neifeld Docket No: PIP-53-FITZ-US

Application/Patent No: 09/730,592

USPTO CONFIRMATION NO: 9232

File/Issue Date: 12/7/2000

Inventor/title: Fitzpatrick/Price Paid Database Method and System

Examiner/ArtUnit: Akintola/3691

**37 CFR 1.7(c) FILING RECEIPT AND TRANSMITTAL LETTER WITH
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

1. **THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FEES
WHICH MAY BE REQUIRED, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT
ACCOUNT NUMBER 50-2106.**

2. **FEES PAID HERewith BY EFS CREDIT CARD SUBMISSION: \$0**

3. **THE FOLLOWING DOCUMENTS ARE SUBMITTED HERewith:**

37 CFR 41.41 REPLY BRIEF

4. **FOR INTERNAL NEIFELD IP LAW, PC USE ONLY**

USPTO CHARGES: \$0	FIRM CHARGES: \$0
CLIENT BILLING MATTER: PIP-53-FITZ	DESCRIPTION: FIRM CHARGE FOR
BANK ACCOUNT/Check: 6/	paying a gov. fee.
G/L ACCOUNT:	LAWYER:

INITIALS OF PERSON WHO **ENTERED** ACCOUNTING DATA:

ATTORNEY SIGNATURE (AUTHORIZING DEPOSIT ACCOUNT)

DATE: 11/2/2008 **SIGNATURE:** /RichardNeifeld#35,299/

Richard Neifeld, Reg. No. 35,299

Attorney of Record

Printed: November 2, 2008 (7:43pm)

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NEIFELD DOCKET NO: PIP-53-FITZ-US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: FITZPATRICK

CONF. NO: 9232

GROUP ART UNIT: 3691

SERIAL NO: 09/730,592

FILED: December 7, 2000

EXAMINER: OLABODE

FOR: Price Paid Database

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22213-1450

37 CFR 41.41 REPLY BRIEF

Sir:

In response to the examiner answer dated 11/2/2008, which was in response to the replacement appeal brief filed 8/26/2008, which was in response to the notification of non-compliant appeal brief mailed 8/18/2008 and further to the office action dated 5/6/2008, and the brief and new notice of appeal filed and differential fees therefore filed 8/6/2008, the appellants files herewith a reply brief.

The office action dated 5/6/2008 was further to the response filed 10/16/2006 to the notice of non-compliant appeal brief mailed 9/25/2006, which was further to the appeal brief filed 7/11/2006, which was further to the Order dated 6/27/2006, which was further to the reply brief filed 5/22/2006, which was in response to the examiner's answer dated 4/21/2006, which

was further to the notice of appeal and appeal brief filed 6/16/2005, which was in response to the office action mailed 11/4/2005 and the office communication dated 5/31/2005, which were in response to the appeal brief and notice of appeal filed 3/11/2005, which was further to the notice of appeal filed 2/4/2005.

Reply Brief

In reply, the appellant notes that the examiner's answer from pages 3 to middle of page 10 are merely a copy of the office action already addressed in the appeal brief.

The examiner withdraws the 112, second paragraph rejection of claim 1, noting the appellants reasoning was persuasive. Page 10.

The examiner asserts that the 101 rejection of claims 45-55 (which in the Answer the examiner says is a rejection of claims 40-55) is because the claims define or cover "a piece of paper having a plurality of fields" citing to Daniel col. 7 lines 14-45 and col. 19 lines 36-56. Page 11.

The response is that the examiner fails to address or rebut the reasoning in section V in the appeal brief which, amongst other things, points out unequivocally that the claims do not cover a "a piece of paper having a plurality of fields."

The examiner asserts that Daniel col. 7 lines 14-45 and col. 19 lines 36-56 teach recurrently uploading price paid (as opposed to shelf price) to a central database. Page 11.

In response, the appellant notes that the inability of the examiner to point cite (to just a few lines) to Daniel objectively indicates the weakness of the examiner's assertion. Moreover, the answer contains no additional argument, only a cite to the prior art, and that citation is the same as relied upon in the office action and copied into prior pages of the answer at answer page 6 in the discussion of claim 5.

Truly

Date: 11/2/2008

/RichardNeifeld#35,299/

Richard Neifeld, Reg. No. 35,299

Attorney of Record

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